

Hon. Stanley A. Bastian

Theresa M. DeMonte, WSBA No. 43994  
McNAUL EBEL NAWROT & HELGREN PLLC  
600 University Street, Suite 2700  
Seattle, WA 98101  
Phone: (206) 467-1816  
[tdemonte@mcnaul.com](mailto:tdemonte@mcnaul.com)  
*Attorneys for Amici Curiae Brady and Team Enough*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA

STATE OF WASHINGTON, STATE  
OF COLORADO, STATE OF  
CONNECTICUT, STATE OF  
ILLINOIS, STATE OF MARYLAND,  
COMMONWEALTH OF  
MASSACHUSETTS, STATE OF  
MICHIGAN, STATE OF MINNESOTA,  
STATE OF OREGON, STATE OF  
RHODE ISLAND, STATE OF  
VERMONT, COMMONWEALTH OF  
VIRGINIA, STATE OF WISCONSIN,

Plaintiffs,

v.

DONALD J. TRUMP, in his official  
capacity as President of the United States  
of America; UNITED STATES OF  
AMERICA; LOUIS DEJOY, in his  
official capacity as Postmaster General;  
UNITED STATES POSTAL SERVICE,

Defendants.

No. 1:20-cv-03127-SAB

BRADY AND TEAM  
ENOUGH'S MOTION FOR  
LEAVE TO FILE AMIUCS  
BRIEF IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION

Noted: September 17, 2020

1 Brady and Team ENOUGH (collectively, “*Amici*”), respectfully move  
2 this Honorable Court for leave to file the attached brief, as *amici curiae*, in  
3 support of Plaintiffs’ motion for a preliminary injunction. *See* ECF Doc. 45,  
4 54.

6 Plaintiffs have consented to *Amici* filing the attached brief; Defendants  
7 have not.

9 For over 40 years, *amicus curiae* Brady has been one of the nation’s  
10 largest non-partisan, non-profit organizations dedicated to reducing gun  
11 violence through education, research, legal advocacy and political action.  
12 Brady has filed numerous briefs as *amicus curiae* in cases involving state and  
13 federal firearms laws.

15 *Amicus curiae* Team ENOUGH is a youth-led, Brady-sponsored  
16 initiative that educates and mobilizes young people in the fight to end gun  
17 violence. Team ENOUGH is committed to bringing a fresh perspective and a  
18 common-sense approach to America’s gun policy.

20 A “district court has broad discretion to appoint *amici curiae*.”  
21 *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other*  
22 *grounds by Sandin v. Conner*, 515 U.S. 472 (1995). The Court’s discretion  
23 may be informed by Federal Rule of Appellate Procedure 29, which requires  
24 25 26

1 explanation of “why an amicus brief is desirable and why the matters asserted  
2 are relevant to the disposition of the case.” Fed. R. App. P. 29(a)(3)(B).

3  
4 The “classic role” of *amici curiae* is “assisting in a case of general  
5 public interest, supplementing the efforts of counsel, and drawing the court’s  
6 attention to law that escaped consideration.” *Miller-Wohl Co. v. Comm’r of*  
7 *Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982). “District courts frequently  
8 welcome *amicus* briefs from non-parties concerning legal issues that have  
9 potential ramifications beyond the parties directly involved or if the amicus  
10 has unique information or perspective that can help the court beyond the help  
11 that the lawyers for the parties are able to provide.” *Chong Yim v. City of*  
12 *Seattle*, No. C18-0736-JCC, 2018 WL 5825965, at \*1 (W.D. Wash. Nov. 7,  
13 2018) (internal quotation marks and citation omitted).

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17 *Amici* seek to file a brief in this case because they have significant  
18 interest in the issues involved. Ensuring that Americans are able to safely  
19 vote in the midst of the coronavirus pandemic is critical to *Amici*’s mission.  
20 Americans must be able to vote and elect representatives who will truly  
21 advance their views on gun violence prevention, allowing those candidates to  
22 prevail over those representatives who have failed to promote sensible and  
23 necessary gun violence prevention policies that an overwhelming majority of  
24  
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1 Americans support. This fact not only provides *Amici* with a special interest  
 2 in the outcome of this case, but also makes their participation particularly  
 3 desirable.  
 4

5 *Amici* are able to provide this court with a “unique . . . perspective” and  
 6 data that clearly illustrate how Defendants’ actions undermine our democracy  
 7 and violate the Constitution so as to help contextualize and resolve the issues  
 8 before the court. *Id.* Further, *Amici*’s participation may also help the Court  
 9 address the questions at bar because *Amici* provide supplemental authority and  
 10 argument beyond that advanced by the Plaintiffs.  
 11  
 12

13 DATED this 11<sup>th</sup> day of September, 2020.

14 McNAUL EBEL NAWROT & HELGREN PLLC

15  
 16 By: s/Theresa M. DeMonte  
 Theresa M. DeMonte, WSBA No. 43994

17 600 University Street, Suite 2700  
 18 Seattle, Washington 98101  
 P: (206) 467-1816 / F: (206) 624-5128  
 19 [tdemonte@mcnaul.com](mailto:tdemonte@mcnaul.com)

20 Attorneys for *Amici Curiae*  
 Brady and Team Enough  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 11, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record who receives CM/ECF notification.

DATED this 11<sup>th</sup> day of September, 2020.

By: s/Theresa M. DeMonte  
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